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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 ROBERT CALVIN HOLMES, JR., No. C-12-3070 EMC  
9 Plaintiff,

10 || v.

## **ORDER DENYING REQUEST TO REOPEN THE ACTION**

11 KYLE PETERSON, *et al.*,  
12 Defendants.

14 Plaintiff filed this *pro se* prisoner's civil rights action on June 15, 2012. On November 1,  
15 2012, the Court dismissed the complaint with leave to amend because the complaint directed the  
16 reader to "see attachments" for a statement of Plaintiff's claim but had no documents attached. That  
17 order came back undelivered on November 28, 2012 because Plaintiff failed to keep the Court  
18 informed of his current address. Plaintiff did not provide any new address in the next several  
19 months. On February 8, 2013, the Court dismissed the action because Plaintiff had not kept the  
20 Court informed of his current address. In May 2013, Plaintiff sent a letter of inquiry about the status  
21 of his case; in response, the Clerk sent him on May 24, 2013, a copy of the docket sheet, the order of  
22 dismissal, and the judgment. On June 6, 2013, Plaintiff sent the Court a letter requesting that the  
23 action be reopened.

24 Plaintiff's request for the action to be reopened is **DENIED**. First, Plaintiff failed to keep  
25 the Court apprised of his current address. He waited many months (*i.e.*, from at least November  
26 2012 until May 2013) to bother informing the Court of his address. Plaintiff failed to comply with  
27 Local Rule 3-11(a) which requires that a party proceeding *pro se* must "promptly file with the Court  
28 and serve upon all opposing parties a Notice of Change of Address specifying the new address"

1 when his address changes. Second, even if the action was reopened, the problem would remain that  
2 Plaintiff never submitted a pleading that could proceed – the complaint he did file referred to  
3 attachments that were not attached. It is not in the interest of justice to reopen an action in which the  
4 complaint was and still would be deficient.

5 The Court notes that the dismissal of this action was without prejudice. Therefore, Plaintiff  
6 may file a new action to assert his claims. In his complaint in such a new action, he must take care  
7 to write a full statement of his claims and, if he refers to any attachments, must be sure those  
8 documents are attached to the complaint.

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10 IT IS SO ORDERED.

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12 Dated: July 3, 2013

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EDWARD M. CHEN  
15 United States District Judge  
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